



# Paul Popeo

Co-chair of the Litigation Department

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Paul Popeo is Co-Chair of the Firm's Litigation Department, Co-Leader of the Firm's Trade Secret Group, and has more than 20 years of experience representing the country's premier technology and life sciences companies and their CEO's in a range of high stakes litigation matters in federal and state courts throughout the nation. He has extensive experience counseling some of the country's leading companies and their Boards of Directors on a wide range of litigation and pre-litigation strategies concerning technology and intellectual property disputes and fiduciary and governance issues. He has deep experience litigating disputes involving the misappropriation of trade secrets for market leaders in the biopharmaceutical, medical device, and computer hardware and software fields. He also represents public and private companies, hedge funds and financial services firms in disputes arising from mergers and acquisitions, financial restructuring, bond issuance and various debt structures. Paul is a seasoned trial lawyer who has successfully tried numerous cases in state and federal district courts across the country. He is listed in The Legal 500 for Trade Secrets.

Mr. Popeo is a past member of Choate's Executive Committee, and has served as a Special Assistant Attorney General for the Commonwealth of Massachusetts and as a Special Assistant District Attorney for Suffolk County.

## EDUCATION

Boston College Law School  
*cum laude*, JD, 1994

Bowdoin College  
AB, 1990

## PRACTICE FOCUS

### Trade Secret Litigation

Representation of public and private companies in all aspects of trade secret protection and litigation—from plaintiffs seeking to protect proprietary information to defendants accused of misappropriation—across a broad range of industries and technologies.

### Complex Intellectual Property Disputes

Representation of pharmaceutical, biotechnology and computer software and hardware manufacturers in patent litigation, trademark and trade secret litigation.

### Complex Commercial/Financial Litigation

Cases addressing equity structuring and equity compensation, inter-member private equity fund disputes, corporate governance and management control issues for underwriter and private equity fund clients, as well as a range of complex business litigation matters, including breaches of representation and warranties and other mergers and acquisition related litigation matters.

**ADMISSIONS**

Massachusetts

U.S. District Court,  
Massachusetts

**PRACTICE AREAS**

Complex Intellectual  
Property Disputes

Trade Secrets

**REPRESENTATIVE ENGAGEMENTS*****Intellectual Property Litigation***

- Lead trial counsel to Dell Technologies/EMC in major litigation alleging a competitor-directed nationwide conspiracy to misappropriate proprietary information and to solicit customers and employees in violation of restrictive covenants; defended against counterclaims alleging violation of Lanham Act, false advertising, unfair competition, and breach of license agreements.
- Counsel to Wyeth (now Pfizer) in dispute relating to Celera's genomics database products.  
*Applera Corp, d/b/a Celera Genomics Group v. Wyeth*, Montgomery County Maryland Circuit Court.
- Counsel to Voice Signal in patent and trademark litigation concerning speech recognition and mobile telecommunications technology.  
*ScanSoft, Inc v. Voice Signal Technologies, Inc*
- Counsel to New Japan Radio in litigation brought under Semiconductor Chip Protection Act concerning the design of certain integrated circuits.  
*Nichimen Corporation v. New Japan Radio, Inc*
- Counsel to Genetics Institute (now Wyeth) at trial before the Delaware Chancery Court in a dispute relating to manufacture of recombinant Factor VIII for the treatment of hemophilia A.  
*BaxterHealthcare, Inc v. Genetics Institute, Inc*
- Counsel to Blue Dolphin Inc in series of litigation matters alleging trademark and copyright infringement, as well as various state law unfair competition and false advertising claims.

***Trade Secret Litigation***

- Counsel to EMC in numerous cases relating to former key employees who left company to found commercial rival using stolen trade secrets. EMC has already obtained preliminary injunction in two of the cases. In addition, three arbitration matters are pending versus former employees for violations pertaining to key employee contract violations.
- Counsel to mobile CT manufacturer and its founders in declaratory judgment action seeking to quash threats made by former employer regarding misappropriation of trade secrets and failure to abide by fiduciary duties. Technology related to computed tomography with specific emphasis on detector arrays, scintillator crystals and data acquisition systems.  
*NeuroLogica v. Analogic*
- Counsel to Microdental in action brought by Estee Lauder alleging various Lanham Act violations, and state law unfair competition and false designation of origin claims.  
*Estee Lauder Cosmetics, Inc and Make-Up Art Cosmetics v. Mircodental Labs and Micro Advanced Cosmetics*

- Represent New England BioLabs, leader in production of and supply of reagents for life sciences industry, regarding theft of trade secrets by former employees and founders with respect to new company.  
*New England BioLabs v. Enzymatics*
- Counsel to AlCana in trade secret litigation brought against AlCana and its research collaboration partner Alnylam Pharmaceuticals by Tekmira Pharmaceuticals Corp. Technology at issue involves novel lipid nanoparticles used as drug delivery vehicle for Alnylam's short interfering RNA therapeutics.  
*Tekmira v. Alnylam & AlCana*
- Counsel to EMC/Acartus in action brought in USDC for Dist Del alleging the theft of trade secrets, violation of the Lanham Act and various state law false advertising claims.  
*Mobius Management Systems, Inc v. EMC Corporation and Acartus, Inc*
- Counsel to Voice Signal in theft of trade secrets and breach of non-competition dispute involving voice recognition technology.  
*Learnout & Hauspie v. Voice Signal Technologies, Inc*
- Counsel to Gen3 Partners in theft of trade secrets and breach of non-competition dispute.  
*Cambridge Technology Partners v. Gen3 Partners*
- Represented mobile CT manufacturer in lawsuit against former Principal Mechanical Engineer and new employer in connection with misappropriation of confidential information and violation of non-compete obligations by working simultaneously for both companies.  
*NeuroLogica V. Mobius Imaging LLC, Mass Superior Court*
- Counsel to Christian Book Distributors, world's largest distributor of Christian resources, in theft of trade secrets dispute.  
*Christian Book Distributors, Inc. et al v. Digital Helix Interactive, Inc.*

#### **Complex Commercial/Financial Litigation**

- Counsel to EMC in contract dispute concerning manufacture of laser-scanning, aspirating smoke detectors.  
*Vision Systems, Inc v. EMC Corporation*
- Counsel to HP in California state court action alleging below-cost pricing and unfair competition.  
*Encad, Inc v. Hewlett-Packard Company*
- Counsel to the Commonwealth as Special Assistant Attorney General in dispute with Morgan Stanley concerning synthetic fixed-rate swap transaction between parties relating to \$496.225 million of general obligation refunding bonds issued by the Commonwealth.  
*Department of the State Treasurer and Receiver General for the Commonwealth of Massachusetts v. Morgan Stanley Derivative Products, Inc*

- Counsel to NXO in litigation involving series of telecommunications service contracts, and representations and warranties contained in various agreements between parties and private equity funds.

*NXO, Inc v. BlackBox Network Services and Platinum Equity, LLC*

- Counsel to Hancock in successful enforcement of a \$32 Million forward commitment after a twelve person jury trial in the United States District Court, District of Massachusetts.

*John Hancock Life Insurance Company v. Vesterra Corporation, et al*

## PUBLICATIONS AND PRESENTATIONS

- “When to Trade Secret & Manage the Process,” *moderator, The IP Strategy Summit Boston 2016*, May 2016.
- “The Slants’ Trademark Battle Plays On,” *co-author, Appellate Law360*, April 2016.
- “Protective Orders Should Take Center Stage in IP Cases,” *co-author, IP Law360*, April 2014.
- “Rainmaker Q&A: Choate Hall's Paul Popeo,” *interviewed, IP Law360*, August 2013.
- “Trends in Trade Secret Litigation,” *interviewed, The Metropolitan Corporate Counsel*, November 2012.

## PROFESSIONAL AND COMMUNITY INVOLVEMENT

Mr. Popeo has served on the firm’s Executive Committee and is a member of the firm’s Hiring Committee. He is also a member of the American Intellectual Property Law Association, the Boston Bar Association and the Massachusetts Bar Association. He serves on various Boards of Directors, and is active with the Inner City Scholarship Fund (Catholic Charities).